

## **Index File:**

UP-650-04  
William E. Rinehart  
202 Sonshine Way (Route 1025)  
Assessor's Parcel No. 17-7-6

This application requests a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling

### **Attachments:**

1. Planning Commission memorandum
2. Zoning map
3. Survey plat
4. Floor plan of proposed apartment
5. Planning Commission resolution

# COUNTY OF YORK

## MEMORANDUM

**DATE:** October 20, 2004 (PC Mtg. 11/10/04)

**TO:** York County Planning Commission

**FROM:** Earl W. Anderson, Planner

**SUBJECT:** Application No. UP-650-04, William E. Rinehart

### **ISSUE**

This application requests a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached 768-square foot accessory apartment in conjunction with a single-family detached dwelling on a 1.12-acre parcel located at 202 Sonshine Way (Route 1025) and further identified as Assessor's Parcel No. 17-7-6. The accessory apartment is to be located in an existing two-story detached accessory garage.

### **DESCRIPTION**

- Property Owner: William E. Rinehart
- Location: 202 Sonshine Way (Route 1025)
- Area: 1.12 acres
- Frontage: 242 feet on Sonshine Way
- Utilities: Public water and public sewer
- Topography: Flat
- 2015 Land Use Map Designation: High Density Residential
- Zoning Classification: R13 – High Density Single-Family Residential District
- Existing Development: Single-family detached home with detached garage
- Surrounding Development:

North: Two single-family detached residential structures across Sonshine Way

East: Single-family detached residential structure

South & West: Common area and then several single-family detached residential structures in the Grand Oaks subdivision along Brightwood Terrace

- Proposed Development: Existing detached garage with accessory apartment in conjunction with a single-family detached dwelling

### **CONSIDERATIONS/CONCLUSIONS**

1. Accessory apartments in detached structures are permitted in the R13 district with a Special Use Permit, provided the floor area of the accessory apartment does not exceed 800 square feet, or 35% of the floor area of the principal dwelling, whichever is less. The principal dwelling on the property contains 2,560 square feet of floor area. The proposed accessory apartment would be located on the second floor of an existing 1,536-square foot two-story detached garage. The applicant has indicated the apartment would be used for a game room. The proposed accessory apartment would contain approximately 768 square feet of habitable floor area, or approximately 30% of the principal dwelling, and would include a bar area, open living area, and bathroom (see attached sketch plan).
2. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These limit the maximum number of accessory apartments to one per single-family detached dwelling, require adequate provisions for off-street parking, require occupancy only by family members or guests of the occupant of the principal dwelling, and prohibit the apartment from being rented separate from the principal dwelling. These standards have been included as conditions in the approving resolution.
3. The property falls under the Environmental Management Area (EMA) overlay district with the entire lot being in the Resource Management Area. Any proposed development in these areas will require compliance with all requirements set forth within Section 24.1-372 of the Zoning Ordinance.
4. Property within the subdivision is not subject to homeowners' covenants nor does it fall under the jurisdiction of an established homeowners' association. Regardless of any covenants that may be deeded, the County must evaluate the accessory apartment use within the context of the Zoning Ordinance and its standards. The County cannot be a party to the enforcement of private covenants and the approval of a Special Use Permit will not relieve the applicant of any responsibilities for compliance with any such covenants.

### **RECOMMENDATION**

Given the above-noted standards, staff is of the opinion that the subject parcel can accommodate the proposed accessory apartment with no adverse impacts on adjacent properties or County infrastructure. Therefore, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval through the adoption of proposed Resolution No. PC04-29.

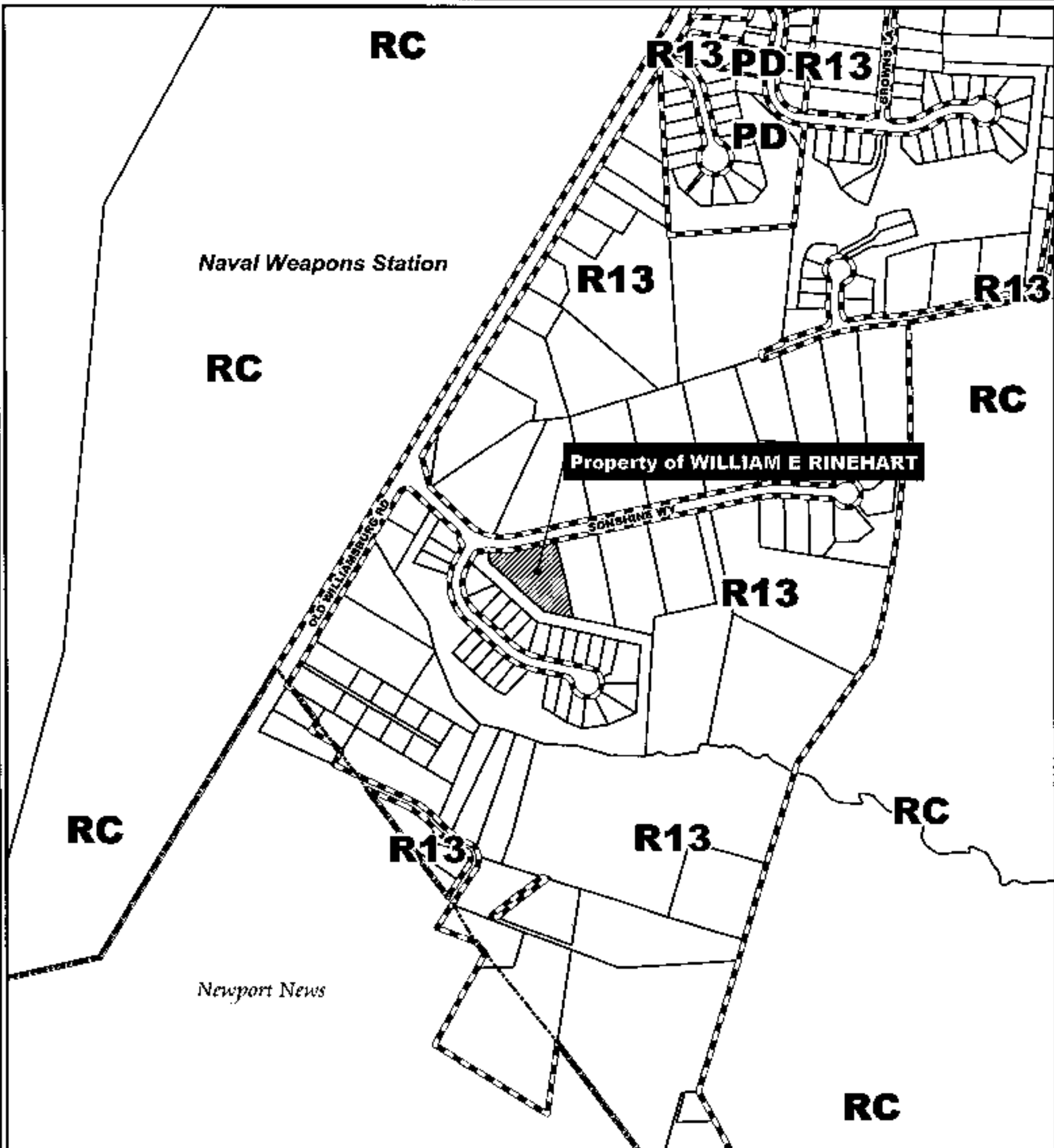
#### Attachments

- Zoning Map
- Sketch Plan
- Floor plan of proposed apartment
- Proposed Resolution No. PC04-29

EWA

**APPLICANT****William E. Rinehart**

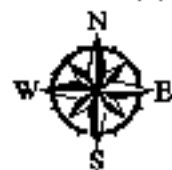
To authorize an accessory apartment located  
on the second floor of an existing detached garage  
202 SONSHINE WAY

**ZONING MAP****APPLICATION NUMBER:** UP-650-04

\* = Conditional Zoning

0 250 500 1,000 Feet

Printed on October 13, 2004

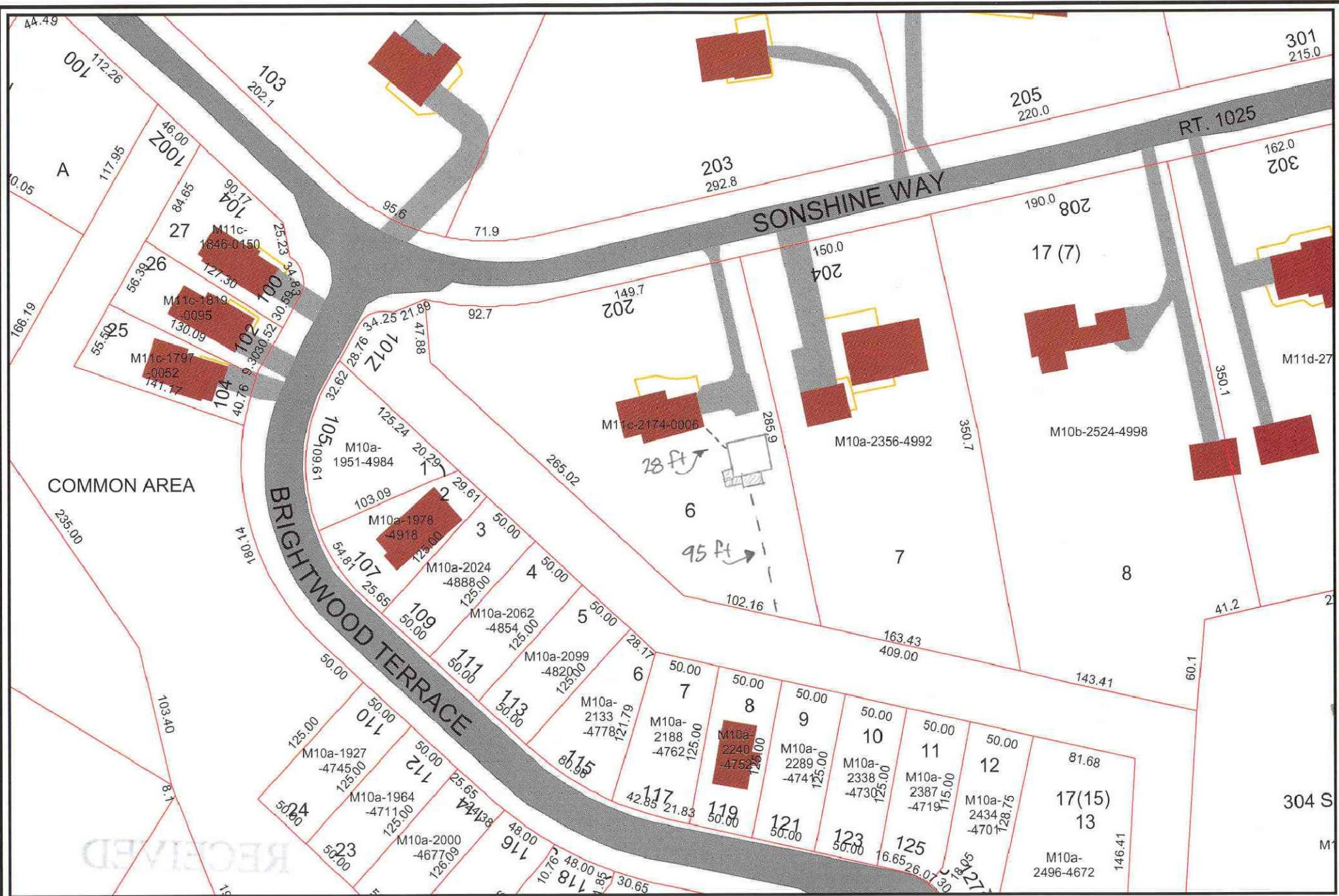


LIBRARY TILE NUMBER:

Lr009

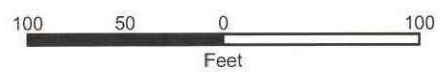
SOURCE: YORK COUNTY  
GIS PARCEL DATA and  
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.  
This map should be used for  
information purposes only. It is  
not suitable for detailed site planning.



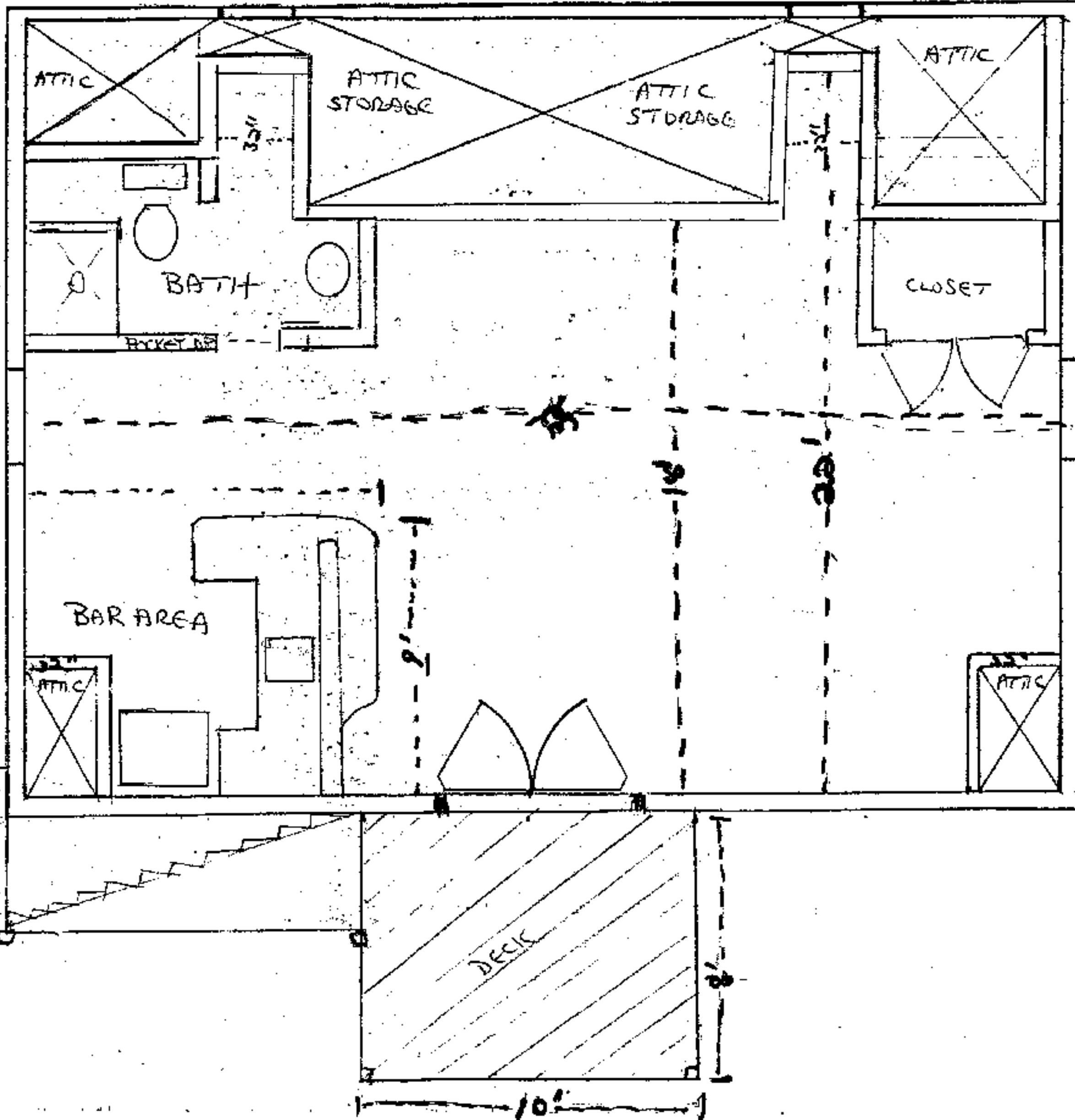
Garage 1st Level  
 32x24  
 2nd Level  
 32x

## 202 Sonshine Way



THIS IS NOT A LEGAL PLAT.  
 This map should be used for  
 information purposes. It is not  
 suitable for detailed site planning.

Flood Information Courtesy of:  
 Federal Emergency Management Agency (FEMA)  
 This flood data has not been certified.



PLANNING COMMISSION  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_, 2004:

---

Present

Vote

Andrew A. Simasek, Chair  
Alfred E. Ptasznik, Jr., Vice Chair  
Alexander T. Hamilton  
John W. Staton  
Nicholas F. Barba  
John R. Davis  
Frederick W. Harvell

---

On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL  
USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY  
APARTMENT AT 202 SONSHINE WAY

WHEREAS, William E. Rinehart has submitted Application No. UP-650-04 to request a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 1.12-acre parcel of land located at 202 Sonshine Way (Route 1025) and further identified as Assessor's Parcel No. 17-7-6; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the \_\_\_\_ day of \_\_\_\_\_, 2004, that Application No. UP-650-04 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to allow a detached accessory apartment in conjunction with a single-family detached dwelling to be contained within a proposed two-story garage on a 1.12-acre parcel of land located at 202 Sonshine Way (Route 1025) and further identified as Assessor's Parcel No. 17-7-6 subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained on the second floor of an existing two-story detached garage on a 1.12-acre parcel of land located at 202 Sonshine Way (Route 1025) and further identified as Assessor's Parcel No. 17-7-6.
2. The apartment shall be contained within the existing structure located on the eastern side of the subject property as indicated on the sketch plan submitted by the applicant titled "202 Sonshine Way," prepared by The York County Geographic Information Systems Office of the Division of Computer Support Services and received by the Planning Division on September 29, 2004. Building plans in substantial conformance with the floor plans submitted by the applicant and received by the Planning Division on September 29, 2004 shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the issuance of a building permit for the accessory apartment.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. Habitable floor area of the accessory apartment unit shall not contain in excess of 768 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. Any development on the lot shall be in compliance with Section 24.1-372 of the County Zoning Ordinance.

9. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.
10. Issuance of this Special Use Permit does not supersede any legally recorded restrictive covenants that may apply to the subject property, nor does it relieve the applicant and/or property owner of any obligation to secure approvals that may be required by a homeowners' association in accordance with said covenants.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.